



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

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### **STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO STANDEX ENGRAVING L.L.C. Registration No. 50838**

#### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Standex Engraving L.L.C., for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

#### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means the Standex Engraving L.L.C. facility, located at 5901 Lewis Road in Sandston, Virginia.
5. "Standex" means Standex Engraving L.L.C., a limited liability company authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. Standex is a "person" within the meaning of Va. Code § 10.1-1300.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.

7. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "Permit" means a NSR permit to operate a chromium plating, chemical etching, and laser engraving facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Standex on June 18, 2008.
9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
10. "Va. Code" means the Code of Virginia (1950), as amended.
11. "VAC" means the Virginia Administrative Code.
12. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. Standex Engraving, L.L.C. owned and operated the Facility in Henrico County, Virginia. Standex sold the Facility to IR Engraving, LLC, on July 1, 2016.
2. The Facility is the subject of the Permit which allowed Standex to operate a chromium plating, chemical etching, and laser engraving Facility.
3. On January 27, 2015, the Department received a stack test report titled Air Emissions Compliance Test Report for Total Chromium Testing of Six Hard Chromium Electroplating Units following results of stack tests conducted on December 17-19, 2014. The results are as follows:

Stack 1 (Tank C1):

Run #1: 0.316 mg/dscm Run #2: 0.201 mg/dscm Run #3: 0.135 mg/dscm

Average: 0.218 mg/dscm

Stack 2 (Tanks C2 and C3):

Run #1: 0.089 mg/dscm Run #2: 0.104 mg/dscm Run #3: 0.103 mg/dscm

Average: 0.099 mg/dscm

Stack 3 (Tanks C4, C5, and C6):

Run #1: 0.052 mg/dscm Run #2: 0.042 mg/dscm Run #3: 0.102 mg/dscm

Average: 0.065 mg/dscm

4. Condition 19 of the Permit states, "Chromium Emission Limits - Emissions checked by stack tests from the operation Chromium Tanks (Ref. No. C1-C6) of the chromium departments shall not exceed 0.03 mg/dscm of ventilation air from Tank C1, 0.015

mg/dscm of ventilation air from Tank C2 and C3, and 0.026 mg/dscm of ventilation air from Tanks C4, C5, and C6.

5. Va. Code § 10.1-1322 states that failure to meet conditions of a permit is considered a violation of the Virginia Air Pollution Control Law.
6. 9 VAC 5-80-1210(I) requires the permittee to comply with all terms and conditions of the minor NSR permit. Any permit noncompliance constitutes a violation of the Virginia Air Pollution Control Law and is grounds for (i) enforcement action or (ii) suspension or revocation.
7. On June 30, 2015, based on the stack test and follow-up information, the Department issued Notice of Violation No. APRO000183-001 to Standex for the violations described in paragraphs C3 through C4, above.
8. On July 16, 2015, Department staff met with representatives of Standex to discuss the violations.
9. Based on the results of Department observed stack tests conducted December 17-19, 2014, and the July 16, 2015 meeting, the Board concludes that Standex violated Permit condition 19, Va. Code § 10.1-1322, and 9 VAC 5-80-1210.I, as described above.
10. Standex conducted additional stack testing on June 2-5, 2015, with results within the established emissions limits for the Facility. No further action is required for the Facility to return to compliance.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Standex Engraving, and Standex Engraving agrees to:

1. Pay a civil charge of \$5,838.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Standex shall include its Federal Employer Identification Number (FEIN) 30-0182895 with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the

Department of Law, Standex shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Standex, for good cause shown by Standex, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Standex admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies the findings of fact, and conclusions of law contained herein.
4. Standex consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Standex declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Standex to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Standex shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Standex shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Standex shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have

occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the Standex intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Standex. Nevertheless, Standex agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. Standex petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - b. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Standex.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Standex from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

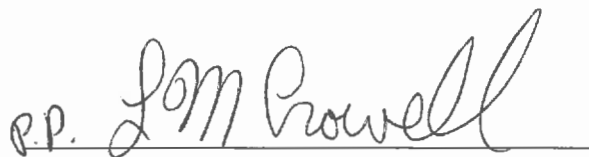
12. Any plans, reports, schedules or specifications attached hereto or submitted by Standex and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Standex certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally

bind Standex to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Standex.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Standex voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 18 day of OCTOBER, 2017.

A handwritten signature in cursive script, appearing to read "J.D. Reynolds", written over a horizontal line.

Jefferson D. Reynolds  
Director, Division of Enforcement  
Department of Environmental Quality

Standex Engraving, L.L.C. voluntarily agrees to the issuance of this Order.

Date: 10-3-17 By: [Signature]  
Alan Glass Manager  
Standex Engraving L.L.C.

State of New Hampshire  
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 3<sup>rd</sup> day of

October, 2017, by Alan Glass, who is Manager of Standex Engraving L.L.C., on  
behalf of the company.

[Signature]  
Notary Public

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Registration No.

My commission expires: 2/28/2019

Notary seal: LUCY A. LeBLANC, Notary Public  
My Commission Expires February 28, 2019